

---

SENATE BILL 6783

---

State of Washington                      60th Legislature                      2008 Regular Session

By Senators Kline, McCaslin, Fairley, Kastama, Regala, McAuliffe, Sheldon, Shin, Marr, and Rasmussen

Read first time 01/23/08. Referred to Committee on Judiciary.

1            AN ACT Relating to nonpartisan prosecuting attorneys; amending RCW  
2 29A.52.111, 29A.52.231, 29A.36.121, and 29A.36.171; reenacting and  
3 amending RCW 29A.36.170; and providing a contingent effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 29A.52.111 and 2004 c 271 s 173 are each amended to  
6 read as follows:

7            Candidates for the following offices shall be nominated at partisan  
8 primaries held pursuant to the provisions of this chapter:

9            (1) Congressional offices;

10           (2) All state offices except (a) judicial offices and (b) the  
11 office of superintendent of public instruction;

12           (3) All county offices except (a) judicial offices (~~and~~), (b) the  
13 office of prosecuting attorney, and (c) those offices where a county  
14 home rule charter provides otherwise.

15           **Sec. 2.** RCW 29A.52.231 and 2004 c 271 s 174 are each amended to  
16 read as follows:

17           The offices of superintendent of public instruction, prosecuting  
18 attorney, justice of the supreme court, judge of the court of appeals,

1 judge of the superior court, and judge of the district court shall be  
2 nonpartisan and the candidates therefor shall be nominated and elected  
3 as such.

4 All city, town, and special purpose district elective offices shall  
5 be nonpartisan and the candidates therefor shall be nominated and  
6 elected as such.

7 **Sec. 3.** RCW 29A.36.121 and 2004 c 271 s 129 are each amended to  
8 read as follows:

9 (1)(a) The positions or offices on a primary consolidated ballot  
10 shall be arranged in substantially the following order: United States  
11 senator; United States representative; governor; lieutenant governor;  
12 secretary of state; state treasurer; state auditor; attorney general;  
13 commissioner of public lands; superintendent of public instruction;  
14 insurance commissioner; state senator; state representative; county  
15 officers; justices of the supreme court; judges of the court of  
16 appeals; judges of the superior court; and judges of the district  
17 court. For all other jurisdictions on the primary consolidated ballot,  
18 the offices in each jurisdiction shall be grouped together and be in  
19 the order of the position numbers assigned to those offices, if any.

20 (b)(i) The positions or offices on a primary party ballot must be  
21 arranged in substantially the following order: United States senator;  
22 United States representative; governor; lieutenant governor; secretary  
23 of state; state treasurer; state auditor; attorney general;  
24 commissioner of public lands; insurance commissioner; state senator;  
25 state representative; and partisan county officers. For all other  
26 jurisdictions on the primary party ballot, the offices in each  
27 jurisdiction must be grouped together and be in the order of the  
28 position numbers assigned to those offices, if any.

29 (ii) The positions or offices on a primary nonpartisan ballot must  
30 be arranged in substantially the following order: Superintendent of  
31 public instruction; prosecuting attorney; justices of the supreme  
32 court; judges of the court of appeals; judges of the superior court;  
33 and judges of the district court. For all other jurisdictions on the  
34 primary nonpartisan ballot, the offices in each jurisdiction must be  
35 grouped together and be in the order of the position numbers assigned  
36 to those offices, if any.

1 (2) The order of the positions or offices on an election ballot  
2 shall be substantially the same as on a primary consolidated ballot  
3 except that state ballot issues must be placed before all offices. The  
4 offices of president and vice president of the United States shall  
5 precede all other offices on a presidential election ballot. The  
6 positions on a ballot to be assigned to ballot measures regarding local  
7 units of government shall be established by the secretary of state by  
8 rule.

9 (3) The political party or independent candidacy of each candidate  
10 for partisan office shall be indicated next to the name of the  
11 candidate on the primary and election ballot. A candidate shall file  
12 a written notice with the filing officer within three business days  
13 after the close of the filing period designating the political party to  
14 be indicated next to the candidate's name on the ballot if either: (a)  
15 The candidate has been nominated by two or more minor political parties  
16 or independent conventions; or (b) the candidate has both filed a  
17 declaration of candidacy declaring an affiliation with a major  
18 political party and been nominated by a minor political party or  
19 independent convention. If no written notice is filed the filing  
20 officer shall give effect to the party designation shown upon the first  
21 document filed. A candidate may be deemed nominated by a minor party  
22 or independent convention only if all documentation required by chapter  
23 29A.20 RCW has been timely filed.

24 **Sec. 4.** RCW 29A.36.171 and 2004 c 271 s 170 are each amended to  
25 read as follows:

26 (1) Except as provided in RCW 29A.36.180 and in subsection (2) of  
27 this section, on the ballot at the general election for a nonpartisan  
28 office for which a primary was held, only the names of the candidate  
29 who received the greatest number of votes and the candidate who  
30 received the next greatest number of votes for that office shall appear  
31 under the title of that office, and the names shall appear in that  
32 order. If a primary was conducted, no candidate's name may be printed  
33 on the subsequent general election ballot unless he or she receives at  
34 least one percent of the total votes cast for that office at the  
35 preceding primary. On the ballot at the general election for any other  
36 nonpartisan office for which no primary was held, the names of the

1 candidates shall be listed in the order determined under RCW  
2 29A.36.131.

3 (2) On the ballot at the general election for the office of justice  
4 of the supreme court, judge of the court of appeals, judge of the  
5 superior court, judge of the district court, prosecuting attorney, or  
6 state superintendent of public instruction, if a candidate in a  
7 contested primary receives a majority of all the votes cast for that  
8 office or position, only the name of that candidate may be printed  
9 under the title of the office for that position.

10 **Sec. 5.** RCW 29A.36.170 and 2005 c 2 s 6 are each reenacted and  
11 amended to read as follows:

12 (1) For any office for which a primary was held, only the names of  
13 the top two candidates will appear on the general election ballot; the  
14 name of the candidate who received the greatest number of votes will  
15 appear first and the candidate who received the next greatest number of  
16 votes will appear second. No candidate's name may be printed on the  
17 subsequent general election ballot unless he or she receives at least  
18 one percent of the total votes cast for that office at the preceding  
19 primary, if a primary was conducted. On the ballot at the general  
20 election for an office for which no primary was held, the names of the  
21 candidates shall be listed in the order determined under RCW  
22 (~~29A.36.130~~) 29A.36.131.

23 (2) For the office of justice of the supreme court, judge of the  
24 court of appeals, judge of the superior court, prosecuting attorney, or  
25 state superintendent of public instruction, if a candidate in a  
26 contested primary receives a majority of all the votes cast for that  
27 office or position, only the name of that candidate may be printed for  
28 that position on the ballot at the general election.

29 NEW SECTION. **Sec. 6.** Section 5 of this act takes effect if the  
30 United States Supreme Court finds Initiative Measure No. 872  
31 constitutional in *Washington State Grange v. Washington State*  
32 *Republican Party* (No. 06-713) and *Washington v. Washington State*  
33 *Republican Party* (No. 06-730). Section 5 of this act is null and void  
34 if the United States Supreme Court finds Initiative Measure No. 872

1 unconstitutional in the aforementioned cases.

--- END ---